

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

MMB Docket No. **1671-0297**

J & J Reference: **DEP5255USNP**

Confirmation No.: **7290**

Application of: **Hayden et al.**

Group Art Unit: **3774**

Serial No. **10/814,097**

Examiner: **Ann M. Schillinger**

Filed: **March 31, 2004**

For: **Sliding Patellar Prosthesis**

I hereby certify that this correspondence is being
transmitted via the Electronic Filing System (EFS)
to Mail Stop Appeal Brief, Commissioner of Patents,
P.O. Box 1450, Alexandria, VA 22313-1450 on:
November 26, 2008

(Date of Deposit)

James D. Wood

Name of person mailing Document or Fee

/James D. Wood/

Signature

November 26, 2008

Date of Signature

AMENDED APPEAL BRIEF

Sir:

This is an appeal under 37 CFR § 41.31 to the Board of Patent Appeals and Interferences of the United States Patent and Trademark Office from the rejection of the claims 1-3, 10, 13, 14, 31, and 38-53 of the above-identified patent application. These claims were indicated as finally rejected in an Office Action dated April 21, 2008. The \$510.00 fee required under 37 CFR § 41.20(b) (2) has previously been submitted. Also, please provide any extensions of time that may be necessary and charge any fees that may be due to Account No. 13-0014, but not to include any payment of issue fees.

(1) REAL PARTY IN INTEREST

DePuy Products, Inc. of Warsaw, Indiana is the assignee of this patent application, and the real party in interest.

(2) RELATED APPEALS AND INTERFERENCES

There are no appeals or interferences related to this patent application (serial no. 10/814,097).

(3) STATUS OF CLAIMS

Claims 1-3, 10, 13, 14, 31, and 38-53 are pending in the application.

Claims 4-9, 11-12, 15-30 and 32-37 have been canceled.

Claims 1-3, 10, 13, 14, 31, and 38-53 are rejected.

Claims 1-3, 10, 13, 14, 31, and 38-53 are being appealed, and are shown in the Appendix attached to this Appeal Brief.

(4) STATUS OF AMENDMENTS

Appellants have filed no amendments after receipt of the April 21, 2008 Office Action (the "Office Action").

(5) SUMMARY OF CLAIMED SUBJECT MATTER

The present invention relates to a sliding patellar prosthetic device. (See, e.g. Appellants' specification at Abstract). With reference to FIG. 15, a base 60 includes a

boss 62 and spin stop 64. (See, e.g. Appellants' specification at page 16, lines 6-7). The upper surface 66 of the base 60 is spherically curved and a bearing surface 68 of articulating subcomponent 70 shown in FIG. 16 is curved in a complimentary manner so as to lay adjacent to upper surface 66 when articulating subcomponent 70 is assembled onto base 60. (See, e.g. Appellants' specification at page 16, lines 7-10). Accordingly, as boss 62 moves along the length of channel 72, a rotational movement is realized, with articulating subcomponent 70 rotating about the Y-axis. (See, e.g. Appellants' specification at page 16, lines 11-13). Additionally, articulating subcomponent 70 may spin about the Z-axis, as limited by spin stop 64 and the structure defining spin stop receiving chamber 82 in the same manner as discussed above. (See, e.g. Appellants' specification at page 16, lines 13-16).

Additionally, a third degree of rotation is possible about the X-axis. This is accomplished by providing channel 72 with a width that is wider than the diameter of head 74 of boss 62, along with providing an opening from channel 72 to bearing surface 68 that is wider than the width of stem 76 of boss 62. (See, e.g. Appellants' specification at page 16, lines 23-25). Accordingly, relative motion of boss 62 from side to side within channel 72 is allowed. (See, e.g. Appellants' specification at page 16, lines 23-25). Therefore, because boss 62 is dome shaped, upper surface 66 is curved along the Y-axis and movement of boss 62 from side to side within channel 72 is rotation about the X-axis. (See, e.g. Appellants' specification at page 16, lines 27-29). Of course, head 74 must remain wider than the opening from channel 72 to bearing surface 68 to ensure head 74 is retained within channel 72. (See, e.g. Appellants' specification at page 16, line 29 through page 17, line 2).

Referring again to FIG. 16, articulating subcomponent 70 also includes boss assembly region 78 and spin stop chamber loading region 80 which is in communication with spin stop receiving chamber 82. (See, e.g. Appellants' specification at page 17, lines 3-5). Boss assembly region 78 is used to assemble articulating subcomponent 70 to boss 62. (See, e.g. Appellants' specification at page 17, lines 5-6). Because boss assembly region 78 is offset from channel 72, the possibility of accidental disassembly of articulating subcomponent 70 from base 60 is reduced. (See, e.g. Appellants' specification at page 17, lines 6-8). Accidental disassembly is further reduced as a result of the design of spin stop chamber loading region 80 which is very narrow and tortuous. (See, e.g. Appellants' specification at page 17, lines 8-10).

The additional information required by the United States Patent Office is as follows. Claims 1, 31, 42, 48, and 51 are independent claims.

Claim 1

Claim 1 recites:

A patellar prosthesis comprising (see, e.g., Appellants' specification at Abstract):

a first subcomponent (see, e.g. Appellants' specification at page 16, lines 6-7 and FIG.15);

a boss operably connected to the first subcomponent (see, e.g. Appellants' specification at page 16, lines 6-7 and FIG. 15); and

a second subcomponent movably connected to the first subcomponent with the boss (see, e.g. Appellants' specification at page 16, lines 23-25), the second subcomponent comprising,

a first side, the first side having (i) a channel therein (see, e.g. Appellants' specification at page 16, lines 23-25 and FIG. 16), (ii) a boss retaining region operable to retain the boss within the channel when the boss is inserted into the channel by contacting the boss (see, e.g. Appellants' specification at page 16, lines 23-25 and FIG. 16), and (iii) a boss assembly region operable to facilitate the insertion of the boss into the channel, by allowing the boss to pass through the boss assembly region for insertion of the boss into the channel (see, e.g. Appellants' specification at page 17, lines 5-6 and FIG. 16).

Claim 31

Claim 31 recites:

A patellar replacement component base comprising (see, e.g., Appellants' specification at Abstract):

a generally planar bone contacting surface lying in a first plane (see, e.g. Appellants' specification at page 16, lines 6-7 and FIG. 15);

a dome shaped contact surface for contacting a patellar articulating component and located generally opposite the bone contacting surface (see, e.g. Appellants' specification at page 16, lines 6-7 and FIG. 15); and

a boss having a stem extending from the dome shaped articulating component contact surface along an axis, the axis of the stem intersecting the bone contacting surface plane at an angle of other than 90 degrees (see, e.g. Appellants' specification at page 16, lines 6-7 and FIG. 15).

Claim 42

Claim 42 recites:

A patellar prosthesis comprising (see, e.g., Appellants' specification at Abstract):

a first subcomponent (see, e.g. Appellants' specification at page 16, lines 6-7 and FIG. 15);

a boss operably connected to the first subcomponent (see, e.g. Appellants' specification at page 16, lines 6-7 and FIG. 15); and

a second subcomponent movably connected to the first subcomponent with the boss (see, e.g. Appellants' specification at page 16, lines 23-25), the second subcomponent comprising,

a first side, the first side having (i) a channel therein (see, e.g. Appellants' specification at page 16, lines 23-25 and FIG. 16), (ii) a boss retaining region having a first configuration operable to retain the boss within the channel when the boss is inserted into the channel by contacting the boss (see, e.g. Appellants' specification at page 16, lines 23-25 and FIG. 16), and (iii) a boss assembly region having a second configuration operable to facilitate the insertion of the boss into the channel, the first configuration and the second configuration being different (see, e.g. Appellants' specification at page 17, lines 5-6 and FIG. 16).

Claim 48

Claim 48 recites:

A patellar replacement component base comprising (see, e.g., Appellants' specification at Abstract):

a body defining a generally planar bone contacting surface lying in a first plane (see, e.g. Appellants' specification at page 16, lines 6-7 and FIG. 15), a dome shaped articulating component contact surface generally opposite the bone contacting surface (see, e.g. Appellants' specification at page 16, lines 6-7 and FIG. 15);

a stem extending outwardly from the dome shaped articulating component contact surface of said body along a line, the line of the stem intersecting the bone contacting surface plane at an angle of other than 90 degrees (see, e.g. Appellants' specification at page 16, lines 6-7 and FIG. 15); and

a head extending from said stem (see, e.g. Appellants' specification at page 16, lines 6-7 and FIG. 15).

Claim 51

Claim 51 recites:

A patellar replacement component base comprising (see, e.g., Appellants' specification at Abstract):

a integral body defining generally planar bone contacting surface lying in a first plane(see, e.g. Appellants' specification at page 16, lines 6-7 and FIG. 15), a dome shaped contact surface generally opposite the bone contacting surface (see, e.g. Appellants' specification at page 16, lines 6-7 and FIG. 15); and

a stem extending outwardly from the dome shaped contact surface of said body in a direction away from the generally planar bone contacting surface along an axis (see, e.g. Appellants' specification at page 16, lines 6-7 and FIG. 15), the axis of the stem intersecting the bone contacting surface plane at an angle of other than 90 degrees (see,

e.g. Appellants' specification at page 16, lines 6-7 and FIG. 15), the stem being integral with said body(see, e.g. Appellants' specification at page 16, lines 6-7 and FIG. 15).

(6) GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1-3, 13, 42-44, and 46 stand rejected as being anticipated under 35 U.S.C. §102(e) by U.S. Patent No. 6,602,292 to Burkinshaw (hereinafter "Burkinshaw").

Claims 31, 41, and 48-53 stand rejected as being anticipated under 35 U.S.C. §102(b) by U.S. Patent No. 5,019,104 to Whiteside et al. (hereinafter "Whiteside").

Claims 10, 14, 45, and 47 stand rejected under 35 U.S.C. §103(a) as being obvious over Burkinshaw.

Claims 38-40 stand rejected under 35 U.S.C. §103(a) as being obvious over Whiteside in view of Burkinshaw.

(7) ARGUMENT

Claims 1-3, 13, 42-44, and 46 Are Not Anticipated by Burkinshaw

Claims 1-3, 13, 42-44, and 46 stand rejected under 35 U.S.C. §102(e) as being anticipated by Burkinshaw. (Office Action at page 2). Burkinshaw does not teach or disclose each element of the claims. Therefore, the rejections should be overturned.

Discussion re: Patentability of Claim 1

1. Claim 1

Claim 1 recites the following:

A patellar prosthesis comprising:

a first subcomponent;
 a boss operably connected to the first subcomponent; and
 a second subcomponent movably connected to the first subcomponent with the boss, the second subcomponent comprising,
 a first side, the first side having (i) a channel therein, (ii) a boss retaining region operable to retain the boss within the channel when the boss is inserted into the channel by contacting the boss, and (iii) a boss assembly region operable to facilitate the insertion of the boss into the channel, by allowing the boss to pass through the boss assembly region for insertion of the boss into the channel.

Claim 1 thus recites a subcomponent of a patellar prosthesis that includes a boss-receiving channel and a “boss assembly region” which is used when moving the boss into the channel.

2. Burkinshaw Does Not Disclose the Limitations of Claim 1

The Examiner cited to the component of Burkinshaw identified by the reference number 66 as a boss assembly region and the reference number 70 as a boss retaining region. (Office Action at page 2). Burkinshaw does not disclose a boss assembly region.

Specifically, reference number 70 is used by Burkinshaw to identify a “recessed region 70 of boss 66.” (Burkinshaw at column 5, line 1). The recessed region 70 communicates with a slot 68 which extends through the boss 66. As described by Burkinshaw at column 5, lines 12-14, the head 84 is “held in boss 66 by recessed region 70.” Accordingly, the boss 66 of Burkinshaw is not used in assembling a boss into a channel as alleged by the Examiner. Rather, the boss 66 of Burkinshaw is merely the portion of a component to which another component is coupled using a head 84. Thus, the boss 66 defines the channel (slot 68) that includes a boss retaining region (recessed region 70). Burkinshaw thus fails to disclose a boss assembly region which is used in positioning a boss into a channel.

It is axiomatic that anticipation of a claim under 35 U.S.C. § 102 is proper only if the prior art reference discloses each and every element of the claim. Merely renaming the components of the Burkinshaw device is not sufficient to make a showing of anticipation. Rather, anticipation requires the components to be configured in the manner set forth in the claim. See, *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990). Therefore, because the Examiner has failed to identify any component of Burkinshaw which is configured in the manner recited for the “boss assembly region” of claim 1, claim 1 is not anticipated by the device of Burkinshaw.

3. Conclusion

For any or all of the foregoing reasons, it is respectfully submitted that the rejection of claim 1 as being anticipated by Burkinshaw has been successfully traversed, and the Applicants respectfully submit that the rejection of claim 1 under 35 U.S.C. § 102 should be withdrawn.

Discussion Re: Patentability of Claims 2-3

Each of claims 2-3 depend from claim 1 and include the limitations discussed above with respect to claim 1 and additional limitations. Therefore, for at least the same reasons set forth with respect to claim 1, claims 2-3 are patentable over Burkinshaw.

Discussion Re: Patentability of Claim 13

1. Claim 13

Claim 13 recites the following:

The patellar prosthesis of claim 1, wherein the boss assembly region is offset from the channel.

Accordingly, claim 13 recites a displacement of the boss assembly region from the channel.

2. Argument of Claim 1 Applies

As an initial matter, claim 13 depends from claim 1 and includes all of the limitations of claim 13. The Examiner rejected claim 13 based upon the same prior art discussed above with respect to claim 1. Accordingly, for the same reasons set forth above with respect to claim 1, claim 13 is patentable over Burkinshaw.

3. Burkinshaw Does Not Disclose an Offset as Recited

The Examiner has alleged that Burkinshaw discloses the relationship between a boss assembly region and a channel as recited in claim 13. (Office Action at page 3). Burkinshaw does not support the Examiner's allegation.

Specifically, the Examiner has alleged that "Burkinshaw discloses the limitations of claims 13 and 46 as shown in Figure 1." (Office Action at page 3). FIG. 1 of Burkinshaw is set forth below:

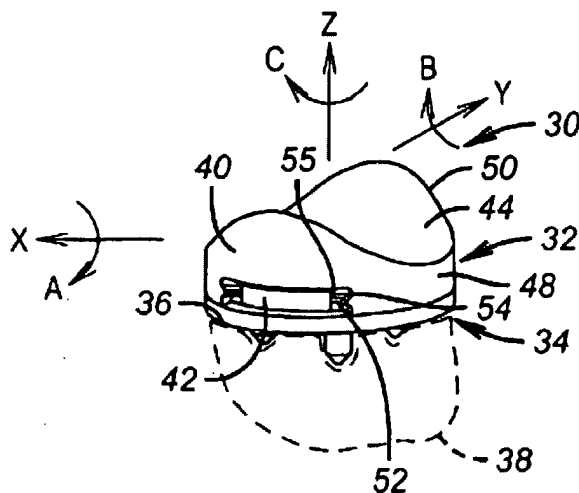


FIG. 1

As set forth above with respect to the rejection of claim 1, the Examiner has alleged that reference number “66” discloses a boss assembly region and that the reference number “68” discloses a channel. Neither of these reference numbers is shown in FIG. 1.

Moreover, the features identified by those reference numbers are not depicted in FIG. 1.

Therefore, because the Examiner has relied upon FIG. 1 of Burkinshaw for the recited relationship, and because nothing in FIG. 1 provides any insight whatsoever into the relationship of the boss 66 and the channel 68 of Burkinshaw, Burkinshaw does not disclose the configuration recited in claim 13.

Moreover, because the channel 68 of Burkinshaw is *within* the boss 66 of Burkinshaw as shown in FIGs. 5 and 6, there can be no displacement of the channel from the boss.

4. Conclusion

It is axiomatic that anticipation of a claim under 35 U.S.C. § 102 is proper only if the prior art reference discloses each and every element of the claim. Since Burkinshaw does not disclose each element of the Appellants' claim 13, for any or all of the foregoing reasons, Burkinshaw does not anticipate Appellants' claim 13. Accordingly, the Board of Appeals is respectfully requested to overturn the rejection of claim 13.

Discussion re: Patentability of Claim 42

1. Claim 42

Claim 42 recites the following:

A patellar prosthesis comprising:
 a first subcomponent;
 a boss operably connected to the first subcomponent; and
 a second subcomponent movably connected to the first subcomponent with the boss, the second subcomponent comprising,
 a first side, the first side having (i) a channel therein, (ii) a boss retaining region having a first configuration operable to retain the boss within the channel when the boss is inserted into the channel by contacting the boss, and
 (iii) a boss assembly region having a second configuration operable to facilitate the insertion of the boss into the channel, the first configuration and the second configuration being different.

Accordingly, claim 42 is similar to claim 1. Claim 42 differs from claim 1 in that 1) the boss assembly region of claim 42 is not limited to a region through which the boss moves, and 2) claim 42 recites the boss retaining region and boss assembly regions as having different configurations.

2. The Arguments of Claim 1 Apply

Notwithstanding the different limitations of claim 42, the Examiner rejected claim 42 based upon the same allegations described above with respect to claim 1.

Therefore, claim 42 is patentable over Burkinshaw based upon the same arguments as those set forth above with respect to claim 1, as applied to the elements of claim 42.

3. Conclusion

It is axiomatic that anticipation of a claim under 35 U.S.C. § 102 is proper only if the prior art reference discloses each and every element of the claim. Since Burkinshaw does not disclose the different configurations of a boss assembly region and a boss retaining region as recited in claim 42 for any or all of the foregoing reasons, Burkinshaw does not anticipate Appellants' claim 42. Accordingly, the Board of Appeals is respectfully requested to overturn the rejection of claim 42.

Discussion re: Patentability of Claims 43-44

Claims 43-44 depend from claim 42 and incorporate all the limitations of claim 42. Accordingly, claims 43-44 are patentable over the prior art for at least the same reasons as those set forth above in connection with claim 42 and the Board of Appeals is respectfully requested to overturn the rejection of claims 43-44.

Discussion Re: Patentability of Claim 46

1. Claim 46

Claim 46 recites the following:

The patellar prosthesis of claim 42, wherein the boss assembly region is connected to but offset from the channel.

Accordingly, claim 46 recites a displacement of the boss assembly region from the channel wherein the boss assembly region is connected to the channel.

2. Argument of Claim 42 Applies

As an initial matter, claim 46 depends from claim 42 and includes all of the limitations of claim 42. The Examiner rejected claim 46 based upon the same prior art discussed above with respect to claim 42. Accordingly, for the same reasons set forth above with respect to claim 42, claim 46 is patentable over Burkinshaw.

3. Burkinshaw Does Not Disclose an Offset as Recited

The Examiner has alleged that Burkinshaw discloses the relationship between a boss assembly region and a channel as recited in claim 46. (Office Action at page 3). Burkinshaw does not support the Examiner's allegation.

Specifically, the Examiner has alleged that "Burkinshaw discloses the limitations of claims 13 and 46 as shown in Figure 1." (Office Action at page 3). The failure of FIG. 1 of Burkinshaw to disclose an offset relationship between a boss assembly region and a channel was discussed above with respect to claim 13. For the same reasons set forth above with respect to the limitation added by claim 13, Burkinshaw does not disclose the offset configuration recited in claim 46.

4. Burkinshaw Does Not Disclose Connection as Recited

Moreover, claim 46 recites that the boss assembly region and the channel are "connected". The Examiner has failed to explain how the channel of Burkinshaw, which

is within the boss of Burkinshaw, can be *connected* with the boss of Burkinshaw. The configuration of Burkinshaw cannot reasonably be described as disclosing a boss assembly region connected to a channel.

5. Conclusion

It is axiomatic that anticipation of a claim under 35 U.S.C. § 102 is proper only if the prior art reference discloses each and every element of the claim. Since Burkinshaw does not disclose each element of the Appellants' claim 46, for any or all of the foregoing reasons, Burkinshaw does not anticipate Appellants' claim 46. Accordingly, the Board of Appeals is respectfully requested to overturn the rejection of claim 46.

Claims 31, 41, and 48-53 Are Not Anticipated by Whiteside

Claims 31, 41, and 48-53 stand rejected under 35 U.S.C. §102(b) as being anticipated by Whiteside. (Office Action at page 3). Whiteside does not teach or disclose each element of the claims. Therefore, the rejections should be overturned.

Discussion re: Patentability of Claim 31

1. Claim 31

Claim 31 recites:

A patellar replacement component base comprising:
 a generally planar bone contacting surface lying in a first plane;
 a dome shaped contact surface for contacting a patellar articulating component
 and located generally opposite the bone contacting surface; and
 a boss having a stem extending from the dome shaped articulating component
 contact surface along an axis, the axis of the stem intersecting the bone contacting surface
 plane at an angle of other than 90 degrees.

Accordingly, a patellar base includes a generally flat bone contacting surface on one side thereof and a domed shaped surface configured to contact a patellar articulating component on the opposite side. Additionally, a stem extends outwardly from the dome shaped surface so as to define axis which intersects the plane of the bone contacting surface at an angle of other than 90 degrees.

2. The Pin of Whiteside is Not Planar

The Examiner has alleged that Whiteside discloses a planar bone contacting surface. The Examiner has mischaracterized Whiteside.

Specifically, the Examiner identifies reference number 13 of Whiteside as a “planar bone contacting surface.” (Office Action at page 3). Whiteside discloses a device with four “securing pegs 13” which are used to connect the patellar prosthesis 10 to a resected patella. (Whiteside at column 2, lines 19-22 and FIG. 2). The securing pegs are, therefore, “bone contacting.” The inclusion of the word “planar” in the claim however, requires the bone contacting surface to be (using the definition provided by the Examiner in the Office Action at page 4) situated in a plane. The securing pegs 13 are tubular, not flat. A tubular object cannot be situated in a plane. Thus, the tubular securing pegs of Whiteside are not planar.

It is axiomatic that anticipation of a claim under 35 U.S.C. § 102 is proper only if the prior art reference discloses each and every element of the claim. Since the round pegs of Whiteside are not “planar,” Whiteside does not anticipate Appellants’ claim 31. Accordingly, the Board of Appeals is respectfully requested to overturn the rejection of claim 31.

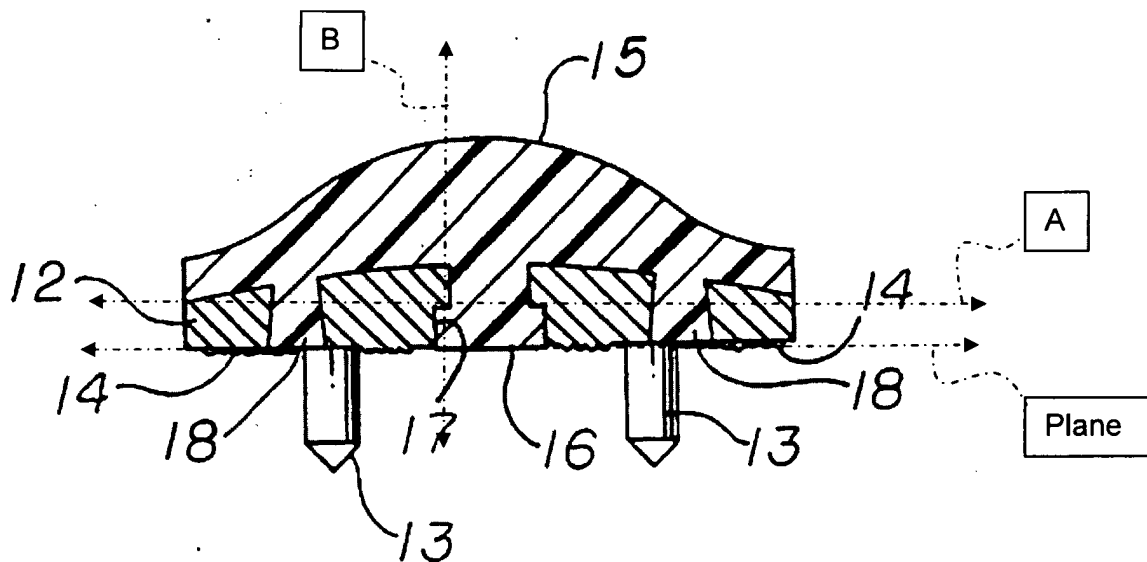
3. The Device of Whiteside Is Not Configured in The Manner Recited

The rationale for attempting to construe the claim language so as to omit the “planar” bone contacting surface in an attempt to encompass the pegs of Whiteside is not readily discernible, particularly when the anterior surface of the backing portion 12 is a planar bone contacting surface. (See, e.g., microbeads 14 on anterior side of Whiteside at FIG. 1 and column 2, lines 21-25). The Examiner’s construction of other elements in claim 31, however, requires additional words in the claim to be ignored.

For example, claim 31 recites “a stem extending from the dome shaped articulating component contact surface” wherein the dome shaped surface is on a side of the device opposite to the bone contacting surface. Thus, extension from a “surface” requires the stem to extend away from the bone contacting surface. The Examiner, however, has alleged that the reference number 16 of Whiteside discloses the configuration recited in the claim. (Office Action at page 3). The central peg 16 of Whiteside is used to connect the polymeric surface layer 15 to the metal backing member 12. (Whiteside at column 2, lines 38-50 and FIG. 2.) Thus, the central peg 16 extends from the lower surface (as shown in FIG. 2) of the polymeric surface layer 15 into the backing member 12, not from the upper dome shaped surface. Therefore, the Examiner’s rejection is based upon a faulty construction of claim 31.

Moreover, the dome shaped surface of claim 31 is used to contact “a patellar articulating component.” The polymeric surface layer 15 of Whiteside, however, is the patellar articulating component. (See, e.g., column 1, lines 45-52 and column 2, lines 29-32). A component cannot contact itself.

Finally, claim 31 recites a stem which extends outwardly from the dome shaped surface so as to define axis which intersects the plane of the bone contacting surface at an angle of other than 90 degrees. The Examiner alleges that the “straight portion before element 17” intersects the bone contacting surface plane at an angle of other than 90 degrees with reference to FIG. 2. (Office Action at page 3). FIG. 2 of Whiteside is set forth below:



The Examiner's explanation can be understood as alleging either that the ledge portion of the central peg 16 which defines an axis identified as "A" or that the shaft portion of the central peg 16 which defines an axis identified as "B" discloses this element. Axis "A" does not intersect the plane and the axis "B" intersects the plane at an angle of 90 degrees. Therefore, regardless of the intended meaning, the Examiner is wrong.

As a final note, the Examiner may have intended to argue that the tips of the pegs 13 define a bone contacting plane. The pegs 13, however, are clearly shaded to depict a

tubular shaft with a conical tip. FIG. 1 confirms this. The conical tips of the pegs 13, therefore, do not generally lie in a plane.

4. Conclusion

For any or all of the above reasons, the Board of Appeals is respectfully requested to overturn the rejection of claim 31.

Discussion re: Patentability of Claim 41

1. Claim 41

Claim 41 recites the following:

The patellar replacement component base of claim 31, wherein the dome shaped contact surface is spherical.

Accordingly, claim 41 recites a spherically shaped surface.

2. Argument of Claim 31 Applies

As an initial matter, claim 41 depends from claim 31 and includes all of the limitations of claim 31. The Examiner rejected claim 41 based upon the same prior art discussed above with respect to claim 31. Accordingly, for the same reasons set forth above with respect to claim 31, claim 41 is patentable over Whiteside.

3. Whiteside Does Not Disclose a Dome as Recited

The Examiner has alleged that the surface 15 of Whiteside discloses a dome surface as recited in claim 41. (Office Action at page 3). The disclosure of Whiteside does not provide sufficient detail to support the Examiner's allegation.

Specifically, the shape of the polymeric surface layer 15 cannot be determined based solely upon the drawings. FIG. 2 is a cross sectional view showing a generally spherical cross section. Moreover, because the pegs 18 are shown, the cross section of FIG. 2 was taken along one of two orthogonal cross sections. Thus, FIG. 2 provides insight as to the shape of the surface layer 15 in a single plane. No information is provided, however, as to the shape of the polymeric surface layer 15 in other cross sections. The only reference in the specification to the shape of the polymeric surface layer 15 that the Appellants have found merely identifies the polymeric surface layer 15 as "generally convex." (Whiteside at column 1, line 65 through column 2, line 1).

Therefore, because neither the written description nor the drawings provide detail sufficient to determine the nature of the polymeric surface layer 15 other than "generally convex," Whiteside does not disclose a spherically shaped surface as recited in claim 41.

4. Conclusion

It is axiomatic that anticipation of a claim under 35 U.S.C. § 102 is proper only if the prior art reference discloses each and every element of the claim. Since Whiteside does not disclose each element of the Appellants' claim 41, for any or all of the foregoing reasons, Whiteside does not anticipate Appellants' claim 41. Accordingly, the Board of Appeals is respectfully requested to overturn the rejection of claim 41.

Discussion re: Patentability of Claim 48

Claim 48 recites:

A patellar replacement component base comprising:

 a body defining a generally planar bone contacting surface lying in a first plane,
a dome shaped articulating component contact surface generally opposite the bone
contacting surface;

 a stem extending outwardly from the dome shaped articulating component
contact surface of said body along a line, the line of the stem intersecting the bone
contacting surface plane at an angle of other than 90 degrees; and

 a head extending from said stem.

For purposes of this appeal, claim 48 thus recites the same limitations discussed above with respect to claim 31. The Examiner rejected claim 48 based upon the same prior art discussed above with respect to claim 31. (Office Action at page 3). Accordingly, claim 48 is patentable over the prior art for the same reasons set forth above in connection with the patentability of claim 31 and the Board of Appeals is respectfully requested to overturn the rejection of claim 48.

Discussion re: Patentability of Claims 49-50

Claims 49-50 depend from claim 48 and incorporate all the limitations of claim 48. Accordingly, claims 49-50 are patentable over the prior art for at least the same reasons as those set forth above in connection with claim 48 and the Board of Appeals is respectfully requested to overturn the rejection of claims 49-50.

Discussion re: Patentability of Claim 51

Claim 51 recites:

A patellar replacement component base comprising:

a integral body defining generally planar bone contacting surface lying in a first plane, a dome shaped contact surface generally opposite the bone contacting surface; and a stem extending outwardly from the dome shaped contact surface of said body in a direction away from the generally planar bone contacting surface along an axis, the axis of the stem intersecting the bone contacting surface plane at an angle of other than 90 degrees, the stem being integral with said body.

For purposes of this appeal, claim 51 thus recites at least the same limitations discussed above with respect to claim 31. The Examiner rejected claim 51 based upon the same prior art discussed above with respect to claim 31. (Office Action at page 3).

Accordingly, claim 51 is patentable over the prior art for at least the same reasons set forth above in connection with the patentability of claim 31.

Moreover, claim 51 further requires the stem to extend from the dome surface "in a direction away from the generally planar bone contacting surface." The peg 16 of Whiteside, however, extends from the layer 15 in a direction *toward* the bone contacting surface. A direction toward a plane is the opposite of a direction away from a plane.

Therefore, for any or all of the foregoing reasons, claim 51 is patentable over the prior art and the Board of Appeals is respectfully requested to overturn the rejection of claim 51.

Discussion re: Patentability of Claims 52-53

Claims 52-53 depend from claim 51 and incorporate all the limitations of claim 51. Accordingly, claims 52-53 are patentable over the prior art for at least the same reasons as those set forth above in connection with claim 51 and the Board of Appeals is respectfully requested to overturn the rejection of claims 52-53.

Claims 10, 14, 45, and 47 Are Not Obvious over Burkinshaw

Claims 10, 14, 45, and 47 stand rejected under 35 U.S.C. §103(a) as being obvious over Burkinshaw. (Office Action at page 4). The proposed modification does not arrive at the invention claimed. Therefore, the rejections should be overturned.

*Discussion re: Patentability of Claim 10*1. Claim 10

Claim 10 recites:

The patellar prosthesis of claim 1, further comprising:
a spin stop operably connected to the first subcomponent, and wherein the second subcomponent further comprises:
a spin stop receiving chamber, the spin stop receiving chamber configured to receive the spin stop when the second subcomponent, boss and first subcomponent are assembled, such that the spin stop is movable within the spin stop receiving chamber.

Accordingly, when assembled, the spin stop must be movable within the receiving chamber.

2. Argument of Claim 1 Applies

As an initial matter, claim 10 depends from claim 1 and includes all of the limitations of claim 1. The Examiner rejected claim 10 based upon the same prior art discussed above with respect to claim 1, and modifying the order of the parts allegedly disclosed in Burkinshaw. Accordingly, even if Burkinshaw is modified in the manner suggested by the Examiner, such modification fails to correct the deficiencies of Burkinshaw with respect to the elements of claim 1 as discussed above and claim 10 is patentable over the proposed modification of Burkinshaw for the same reasons set forth above with respect to claim 1.

3. Burkinshaw's Device is Not Movable

Moreover, the Examiner has alleged that the structural relationship set forth in claim 10 is disclosed by Burkinshaw with the exception of a reversal of parts. (Office Action at page 4). The Examiner has mischaracterized Burkinshaw.

Specifically, the Examiner has alleged that Burkinshaw's hook portion 56 and recessed regions 52 are a spin stop and spin stop chamber. (Office Action at page 4). Burkinshaw discloses, however, that a lip 55 is designed to engage the hook portion 56. These components allow the bearing portion 40 and the patella insert 42 to be "securely snapped together." (Burkinshaw at column 4, lines 17-26, and FIGs. 3 and 6). Thus, the hook portion 56 is not disclosed as being movable within the recessed region 52. Rather, the bearing portion 40 and the patella insert 42 are immobile with respect to each other.

A component that does not move when positioned within another component is not the same as a component that is movable when positioned within another component. Therefore, even if the device of Burkinshaw is modified in the manner suggested by the Examiner, such modification fails to arrive at the invention of claim 10. Accordingly, claim 10 is patentable over the proposed modification and the Board of Appeals is respectfully requested to reverse the rejection of claim 10.

4. Conclusion

For any or all of the above reasons, the Board of Appeals is respectfully requested to reverse the rejection of claim 10.

Discussion re: Patentability of Claim 14

1. Claim 14

Claim 14 recites:

The patellar prosthesis of claim 13, further comprising:
a spin stop operably connected to the first subcomponent, and wherein the second subcomponent further comprises:
a spin stop receiving chamber with a loading region, the loading region of the spin stop chamber configured such that when the boss is being inserted into the channel through the boss assembly region, the spin stop is inserted into the spin stop chamber loading region.

Accordingly, a loading region in a spin stop chamber is configured such that the spin stop moves into the receiving chamber contemporaneously with insertion of the boss into the channel.

2. Argument of Claim 13 Applies

As an initial matter, claim 14 depends from claim 13 and includes all of the limitations of claim 13. The Examiner rejected claim 14 based upon the same prior art discussed above with respect to claim 13, and modifying the order of the parts allegedly disclosed in Burkinshaw. Accordingly, even if Burkinshaw is modified in the manner suggested by the Examiner, such modification fails to correct the deficiencies of Burkinshaw with respect to the elements of claim 13 as discussed above and claim 14 is patentable over the proposed modification of Burkinshaw for the same reasons set forth above with respect to claim 13.

3. Burkinshaw's Device is Not Simultaneously Assembled

Moreover, the Examiner has alleged that the structural relationship set forth in claim 14 is disclosed by Burkinshaw with the exception of a reversal of parts. (Office Action at page 4). The Examiner has mischaracterized Burkinshaw.

Specifically, the Examiner has alleged that Burkinshaw's hook portion 56 and recessed regions 52 are a spin stop and spin stop chamber. (Office Action at page 4). The Examiner has further alleged that reference number 68 of Burkinshaw is a channel and reference number 84 is a boss. Because the head 84 is on a different component than the hook portion 56 and recessed regions 52 (see FIGs. 3, 5, and 7), the head 84 may be positioned within the channel 68 irrespective of the positioning of the hook portion 56 into the recessed regions 52. Likewise, the hook portion 56 may be inserted into the recessed regions 52 before or after positioning the head 84 into the channel 68.

A configuration which has no bearing on the manner in which various components are assembled is not the same as a configuration wherein simultaneous assembly of various components is enabled. Therefore, even if the device of Burkinshaw is modified in the manner suggested by the Examiner, such modification fails to arrive at the invention of claim 14. Accordingly, claim 14 is patentable over the proposed modification and the Board of Appeals is respectfully requested to reverse the rejection of claim 14.

4. Conclusion

For any or all of the above reasons, the Board of Appeals is respectfully requested to reverse the rejection of claim 14.

Discussion re: Patentability of Claim 45

1. Claim 45

Claim 45 recites:

The patellar prosthesis of claim 42, further comprising:
a spin stop operably connected to the first subcomponent, and wherein the second subcomponent further comprises:
a spin stop receiving chamber, the spin stop receiving chamber configured to receive the spin stop when the second subcomponent, boss and first subcomponent are assembled, such that the spin stop is movable within the spin stop receiving chamber.

Accordingly, when assembled, the spin stop must be movable within the receiving chamber.

2. Argument of Claim 42 Applies

As an initial matter, claim 45 depends from claim 42 and includes all of the limitations of claim 42. The Examiner rejected claim 45 based upon the same prior art discussed above with respect to claim 42, and modifying the order of the parts allegedly disclosed in Burkinshaw. Accordingly, even if Burkinshaw is modified in the manner suggested by the Examiner, such modification fails to correct the deficiencies of Burkinshaw with respect to the elements of claim 42 as discussed above and claim 45 is patentable over the proposed modification of Burkinshaw for the same reasons set forth above with respect to claim 45.

3. Burkinshaw's Device is Not Movable

Moreover, the Examiner has alleged that the structural relationship set forth in claim 45 is disclosed by Burkinshaw with the exception of a reversal of parts. (Office Action at page 4). The Examiner rejected claim 45 based upon the same modification of the prior art discussed above with respect to claim 13. Accordingly, even if Burkinshaw is modified in the manner suggested by the Examiner, such modification fails to arrive at the invention of claim 45 for the reasons discussed above for this element with respect to claim 13. Accordingly, claim 45 is patentable over the proposed modification and the Board of Appeals is respectfully requested to reverse the rejection of claim 45.

4. Conclusion

For any or all of the above reasons, the Board of Appeals is respectfully requested to reverse the rejection of claim 45.

Discussion re: Patentability of Claim 47

1. Claim 47

Claim 47 recites:

The patellar prosthesis of claim 46, further comprising:
 a spin stop operably connected to the first subcomponent, and wherein the second subcomponent further comprises:
 a spin stop receiving chamber with a loading region, the loading region of the spin stop chamber configured such that when the boss is being inserted into the channel through the boss assembly region, the spin stop is inserted into the spin stop chamber loading region.

Accordingly, a loading region in a spin stop chamber is configured such that the spin stop moves into the receiving chamber contemporaneously with insertion of the boss into the channel.

2. Argument of Claim 46 Applies

As an initial matter, claim 47 depends from claim 46 and includes all of the limitations of claim 46. The Examiner rejected claim 47 based upon the same prior art discussed above with respect to claim 46, and modifying the order of the parts allegedly disclosed in Burkinshaw. Accordingly, even if Burkinshaw is modified in the manner suggested by the Examiner, such modification fails to correct the deficiencies of Burkinshaw with respect to the elements of claim 46 as discussed above and claim 47 is patentable over the proposed modification of Burkinshaw for the same reasons set forth above with respect to claim 46.

3. Burkinshaw's Device is Not Simultaneously Assembled

Moreover, the Examiner has alleged that the structural relationship set forth in claim 47 is disclosed by Burkinshaw with the exception of a reversal of parts. (Office Action at page 4). The Examiner rejected claim 47 based upon the same modification of the prior art discussed above with respect to claim 14. Accordingly, even if Burkinshaw is modified in the manner suggested by the Examiner, such modification fails to arrive at the invention of claim 47 for the reasons discussed above for this element with respect to claim 14. Accordingly, claim 47 is patentable over the proposed modification and the Board of Appeals is respectfully requested to reverse the rejection of claim 47.

4. Conclusion

For any or all of the above reasons, the Board of Appeals is respectfully requested to reverse the rejection of claim 47.

Claims 38-40 Are Not Obvious

Claims 38-40 stand rejected under 35 U.S.C. §103(a) as being obvious over Whiteside in view of Burkinshaw. There is no motivation for the proposed combination. Moreover, the proposed combination fails to arrive at the invention recited in claims 38-40. Therefore, the rejections should be overturned.

Discussion Re: Patentability of Claim 38

1. Claim 38

Claim 38 recites:

The patellar replacement component base of claim 31, further comprising:
a spin stop extending from the dome shaped contact surface along an axis, the axis of the spin stop intersecting the bone contacting surface plane at an angle of other than 90 degrees.

Claim 38 thus requires two different components to extend outwardly from the dome shaped surface so as to define axes which intersect the plane of the bone contacting surface at an angle of other than 90 degrees.

2. Argument of Claim 31 Applies

As an initial matter, claim 38 depends from claim 31 and includes all of the limitations of claim 31. The Examiner rejected claim 38 based primarily upon Whiteside

with additional reference to Burkinshaw for the limitations added by claim 38.

Accordingly, even if Whiteside is modified in the manner proposed by the Examiner, the modification fails to arrive at the invention recited in claim 38. Accordingly, under MPEP § 2143.03, claim 38 is patentable over the prior art.

3. The Combination Does Not Disclose Each Limitation

Moreover, the proposed modification fails to arrive at the invention of claim 38. Specifically, the Examiner has apparently alleged that the hook portion 56 of Burkinshaw is a spin stop. (See, e.g., Office Action at pages 4 and 5). To the extent a bone contacting surface is present in the device of Burkinshaw, the hook portion 56 defines an axis that is perpendicular to such plane. An axis that is perpendicular to a plane is not the same as an axis that is not perpendicular to the plane.

Therefore, even if Whiteside is modified in the manner proposed by the Examiner, the modification fails to arrive at the invention recited in claim 38. Accordingly, under MPEP § 2143.03, claim 38 is patentable over the prior art.

4. There is No Motivation for the Proposed Modification

MPEP 2144 notes that “[t]he strongest rationale for combining references is a recognition, expressly or impliedly in the prior art or drawn from a convincing line of reasoning based on established scientific principles or legal precedent, that some advantage or expected beneficial result would have been produced by their combination.”

Citing, In re Sernaker, 702 F.2d 989, 994-95, 217 USPQ 1, 5-6 (Fed. Cir. 1983). The Examiner has proposed that the device of Whiteside be modified “in order to secure the

prosthesis in its desired configuration.” (Office Action at page 5). As discussed above, the hooks 56 of Burkinshaw are used to prevent movement. Therefore, one of ordinary skill in the art would not be motivated to use a combination of elements which *eliminate* movement in order to *allow* movement between components.

Because there is no suggestion or motivation for the proposed combination, a *prima facie* case of obviousness has not been made and the rejection of claim 38 under 35 U.S.C. § 103(a) should be overturned.

5. Conclusion

For any or all of the foregoing reasons, it is respectfully submitted that claim 38 is patentable over Whiteside in view of Burkinshaw, and the Board of Appeals is respectfully requested to overturn the rejection of claim 38.

Discussion Re: Patentability of Claim 39

1. Claim 39

Claim 39 recites:

The patellar replacement component base of claim 38, wherein:
the boss includes a head portion extending outwardly from the stem portion, the
head portion extending over a portion of the contact surface; and
the spin stop is cylindrically shaped.

Claim 39 thus requires a portion of the boss to extend over the domed surface.

2. Argument of Claim 38 Applies

As an initial matter, claim 39 depends from claim 38 and includes all of the limitations of claim 38. The Examiner rejected claim 39 based primarily upon Whiteside

with additional reference to Burkinshaw for the limitations added by claim 39.

Accordingly, even if Whiteside is modified in the manner proposed by the Examiner, the modification fails to arrive at the invention recited in claim 39 for the reasons set forth above with respect to claim 38. Accordingly, under MPEP § 2143.03, claim 39 is patentable over the prior art.

3. The Combination Does Not Disclose Each Limitation

Moreover, the proposed modification fails to arrive at the invention of claim 39. Specifically, the Examiner has alleged that the center peg 16 of Whiteside is a boss and the layer 15 is a domed surface. (Office Action at page 3). As clearly depicted in FIG. 2 of Whiteside (see above), the center peg 16 is located *beneath* the layer 15. A peg which is completely beneath a surface cannot extend over the top of that surface.

Therefore, even if Whiteside is modified in the manner proposed by the Examiner, the modification fails to arrive at the invention recited in claim 39. Accordingly, under MPEP § 2143.03, claim 39 is patentable over the prior art.

4. Conclusion

For any or all of the foregoing reasons, it is respectfully submitted that claim 39 is patentable over Whiteside in view of Burkinshaw, and the Board of Appeals is respectfully requested to overturn the rejection of claim 39.

Discussion Re: Patentability of Claim 40

1. Claim 40

Claim 40 recites:

The patellar replacement component base of claim 38, wherein:
the dome shaped contact surface forms an apex; and
the spin stop and the boss are on opposite sides of the apex when viewed from a side elevational view.

Claim 40 thus requires the boss and spin stop to be spaced apart from the apex of the dome surface in different directions.

2. Argument of Claim 38 Applies

As an initial matter, claim 40 depends from claim 38 and includes all of the limitations of claim 38. The Examiner rejected claim 40 based primarily upon Whiteside with additional reference to Burkinshaw for the limitations added by claim 40.

Accordingly, even if Whiteside is modified in the manner proposed by the Examiner, the modification fails to arrive at the invention recited in claim 40 for the reasons set forth above with respect to claim 38. Accordingly, under MPEP § 2143.03, claim 40 is patentable over the prior art.

3. The Combination Does Not Disclose Each Limitation

Moreover, the proposed modification fails to arrive at the invention of claim 40. Specifically, the Examiner has alleged that the center peg 16 of Whiteside is a boss and the layer 15 is a domed surface. (Office Action at page 3). As clearly depicted in FIG. 2 of Whiteside (see above), the center peg 16 is located *at the thickest portion* of the layer 15. Thus, the center peg 16 is located *on the axis* of the apex. A peg located on or at an apex cannot be on a side of the apex opposite to another component.

Therefore, even if Whiteside is modified in the manner proposed by the Examiner, the modification fails to arrive at the invention recited in claim 40. Accordingly, under MPEP § 2143.03, claim 40 is patentable over the prior art.

4. Conclusion

For any or all of the foregoing reasons, it is respectfully submitted that claim 40 is patentable over Whiteside in view of Burkinshaw, and the Board of Appeals is respectfully requested to overturn the rejection of claim 40.

CONCLUSION

Claims 1-3, 13, 42-44, and 46 are not anticipated by Burkinshaw and claims 31, 41, and 48-53 are not anticipated by Whiteside. Additionally, claims 10, 14, 45, and 47 are not obvious over Burkinshaw and claims 38-40 are not obvious over Whiteside in view of Burkinshaw.

Respectfully submitted,

MAGINOT, MOORE & BECK LLP

/James D. Wood/

James D. Wood
Attorney for Appellants
Registration No. 43,285

November 26, 2008
Maginot, Moore & Beck LLP
Chase Tower
111 Monument Circle, Suite 3250
Indianapolis, Indiana 46204-5115
Telephone (317) 638-2922

(8) CLAIMS APPENDIX

Claim 1. A patellar prosthesis comprising:

a first subcomponent;

a boss operably connected to the first subcomponent; and

a second subcomponent movably connected to the first subcomponent with the boss, the second subcomponent comprising,

a first side, the first side having (i) a channel therein, (ii) a boss retaining region operable to retain the boss within the channel when the boss is inserted into the channel by contacting the boss, and (iii) a boss assembly region operable to facilitate the insertion of the boss into the channel, by allowing the boss to pass through the boss assembly region for insertion of the boss into the channel.

Claim 2. The patellar prosthesis of claim 1, wherein the first subcomponent comprises a base and wherein the second subcomponent comprises an articulating subcomponent.

Claim 3. The patellar prosthesis of claim 1, wherein:

the boss comprises a stem and a head having a width;

the channel has a first side and a second side, the second side spaced apart from the first side by a first distance; and

the boss retaining region comprises a lip, a first section having width and a second section having a width, the first section of the lip located on the first side of the channel and the second section of the lip located on the second side of the channel, the width of

the head being greater than the first distance of the channel minus the width of the first section of the lip and minus the width of the second section of the lip.

Claim 10. The patellar prosthesis of claim 1, further comprising:

a spin stop operably connected to the first subcomponent, and wherein the second subcomponent further comprises:

a spin stop receiving chamber, the spin stop receiving chamber configured to receive the spin stop when the second subcomponent, boss and first subcomponent are assembled, such that the spin stop is movable within the spin stop receiving chamber.

Claim 13. The patellar prosthesis of claim 1, wherein the boss assembly region is offset from the channel.

Claim 14. The patellar prosthesis of claim 13, further comprising:

a spin stop operably connected to the first subcomponent, and wherein the second subcomponent further comprises:

a spin stop receiving chamber with a loading region, the loading region of the spin stop chamber configured such that when the boss is being inserted into the channel through the boss assembly region, the spin stop is inserted into the spin stop chamber loading region.

Claim 31. A patellar replacement component base comprising:

- a generally planar bone contacting surface lying in a first plane;
- a dome shaped contact surface for contacting a patellar articulating component and located generally opposite the bone contacting surface; and
- a boss having a stem extending from the dome shaped articulating component contact surface along an axis, the axis of the stem intersecting the bone contacting surface plane at an angle of other than 90 degrees.

Claim 38. The patellar replacement component base of claim 31, further comprising:

- a spin stop extending from the dome shaped contact surface along an axis, the axis of the spin stop intersecting the bone contacting surface plane at an angle of other than 90 degrees.

Claim 39. The patellar replacement component base of claim 38, wherein:

- the boss includes a head portion extending outwardly from the stem portion, the head portion extending over a portion of the contact surface; and
- the spin stop is cylindrically shaped.

Claim 40. The patellar replacement component base of claim 38, wherein:

- the dome shaped contact surface forms an apex; and
- the spin stop and the boss are on opposite sides of the apex when viewed from a side elevational view.

Claim 41. The patellar replacement component base of claim 31, wherein the dome shaped contact surface is spherical.

Claim 42. A patellar prosthesis comprising:

a first subcomponent;

a boss operably connected to the first subcomponent; and

a second subcomponent movably connected to the first subcomponent with the boss, the second subcomponent comprising,

a first side, the first side having (i) a channel therein, (ii) a boss retaining region having a first configuration operable to retain the boss within the channel when the boss is inserted into the channel by contacting the boss, and (iii) a boss assembly region having a second configuration operable to facilitate the insertion of the boss into the channel, the first configuration and the second configuration being different.

Claim 43. The patellar prosthesis of claim 42, wherein the first subcomponent comprises a base and wherein the second subcomponent comprises an articulating subcomponent.

Claim 44. The patellar prosthesis of claim 42, wherein:

the boss comprises a stem and a head having a width;

the channel has a first side and a second side, the second side spaced apart from the first side by a first distance; and

the boss retaining region comprises a lip, a first section having width and a second section having a width, the first section of the lip located on the first side of the channel and the second section of the lip located on the second side of the channel, the width of the head being greater than the first distance of the channel minus the width of the first section of the lip and minus the width of the second section of the lip.

Claim 45. The patellar prosthesis of claim 42, further comprising:

a spin stop operably connected to the first subcomponent, and wherein the second subcomponent further comprises:

a spin stop receiving chamber, the spin stop receiving chamber configured to receive the spin stop when the second subcomponent, boss and first subcomponent are assembled, such that the spin stop is movable within the spin stop receiving chamber.

Claim 46. The patellar prosthesis of claim 42, wherein the boss assembly region is connected to but offset from the channel.

Claim 47. The patellar prosthesis of claim 46, further comprising:

a spin stop operably connected to the first subcomponent, and wherein the second subcomponent further comprises:

a spin stop receiving chamber with a loading region, the loading region of the spin stop chamber configured such that when the boss is being inserted into the channel through the boss assembly region, the spin stop is inserted into the spin stop chamber loading region.

Claim 48. A patellar replacement component base comprising:

a body defining a generally planar bone contacting surface lying in a first plane, a dome shaped articulating component contact surface generally opposite the bone contacting surface;

a stem extending outwardly from the dome shaped articulating component contact surface of said body along a line, the line of the stem intersecting the bone contacting surface plane at an angle of other than 90 degrees; and

a head extending from said stem.

Claim 49. The patellar replacement component base of claim 48, wherein said body, said stem, and said head are integral with each other.

Claim 50. The patellar replacement component base of claim 48, wherein said body, said stem, and said head are made of a polymer.

Claim 51. A patellar replacement component base comprising:

a integral body defining generally planar bone contacting surface lying in a first plane, a dome shaped contact surface generally opposite the bone contacting surface; and

a stem extending outwardly from the dome shaped contact surface of said body in a direction away from the generally planar bone contacting surface along an axis, the axis of the stem intersecting the bone contacting surface plane at an angle of other than 90 degrees, the stem being integral with said body.

Claim 52. The patellar replacement component base of claim 51, further comprising a head extending from said stem.

Claim 53. The patellar replacement component base of claim 51, wherein said body and said stem are made of a polymer.

(9) EVIDENCE APPENDIX

None.

(10) RELATED PROCEEDINGS APPENDIX

None.